

Message Text

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SUBJ: NARCOTICS LAWS (SRI LANKA)

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1. IN SRI LANKA, SPECIFIC PENALTIES FOR NARCOTICS OFFENSES DO NOT EXIST. IT IS, THEREFORE, DIFFICULT TO BREAK DOWN NARCOTICS VIOLATIONS INTO THE VARIOUS CATEGORIES LISTED IN THE REFERENCED TELEGRAM. FOR THE PURPOSE OF THIS REPORT, WE ARE INCORPORATING POSSESSION AND TRAFFICKING UNDER ONE HEADING, SINCE DEFINED PENALTIES ARE NOT PROVIDED FOR POSSESSION AND TRAFFICKING UNDER SRI LANKAN LAW. OTHER TOPICS LISTED IN THE REFERENCED TELEGRAM WILL BE COVERED SEPARATELY.

2. POSSESSION AND TRAFFICKING

SRI LANKA OPERATES UNDER AN OLD DRUG LAW CALLED THE POISONS, OPIUM AND DANGEROUS DRUGS ORDINANCE. UNDER THIS ORDINANCE, NO SET PENALITIES ARE LISTED FOR EITHER POSSESSION OR TRAFFICKING. THE DETERMINING FACTOR IS THE COURT BEFORE WHICH A NARCOTICS OFFENSE IS TRIED. IF THE CASE IS TRIED IN MAGISTRATE'S COURT, THE MAXIMUM FINE THAT MAY BE IMPOSED IS RS. 1000 (USDOLS 64.50) AND/OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR. IF TRIED IN DISTRICT COURT, THE FINE MAY NOT EXCEED RS. 5,000 (US DOLS UNCLASSIFIED

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322.43) AND/OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED THREE YEARS, OR IN HIGH COURT WHERE THE FINE CANNOT EXCEED RS. 10,000 (US DOLS 645.00) AND/OR IMPRISONMENT FOR NOT MORE THAN TEN YEARS. ALMOST ALL NARCOTICS OFFENSES, POSSESSION, TRAFFICKING, CULTIVATING AND FINANCING, ARE TRIED IN MAGISTRATE'S COURT. LAW ENFORCEMENT OFFICIALS MAY ELECT TO FILE ACTION WITH THE ATTORNEY GENERAL'S OFFICE TO HAVE A NARCOTICS OFFENSE IS A SERIOUS ONE, BUT THIS IS

RARELY DONE. THERE HAVE BEEN NO CASES IN WHICH AMERICAN CITIZENS HAVE BEEN TRIED FOR NARCOTICS OFFENSES BEFORE A DISTRICT OR HIGH COURT.

3. CULTIVATION AND PRODUCTION

CULTIVATION AND PRODUCTION IS CONFINED TO THE GROWING AND PROCESSING OF GANGA. OPIUM IS IMPORTED INTO SRI LANKA, BECAUSE OPIUM POPPY IS NOT GROWN LOCALLY. ALL OTHER FORMS OF NARCOTICS MUST BE IMPORTED. GROWING AND PROCESSING OF GANGA IS ILLEGAL IN SRI LANKA UNLESS SPECIFICALLY AUTHORIZED BY THE MINISTER OF HEALTH. PENALTIES FOR CULTIVATION AND PRODUCTION OF GANGA ARE DETERMINED BY THE COURT WHICH ADJUDICATES THE OFFENSE.

4. FINANCIAL

FINANCIAL SUPPORT FOR CULTIVATION, ELABORATION, AND TRAFFICKING IS ALSO AN OFFENSE. PENALTIES ARE DETERMINED BY THE COURT WHICH ADJUDICATES THE OFFENSE. UNDER SRI LANKAN EXCHANGE CONTROL REGULATIONS, MOVEMENT OF CURRENCY IN AND OUT OF SRI LANKA IS CONTROLLED, AND NO CURRENCIES MAY BE EXPOLDED OUT OF THE COUNTRY WITHOUT APPROVAL OF THE GSL.

5. CRIMINAL PROCEDURE

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UNDER SRI LANKAN LAW PERSONS MUST BE BROUGHT BEFORE A MARSSTRATE OR JUDGE WITHIN 24 HOURS OF THEIR ARREST. THE SRI LANKAN AUTHORITIES NOTIFY THE EMBASSY WHEN AN AMERICAN CITIZEN IS ARRESTED. SRI LANKA IS A SIGNATORY TO THE VIENNA CONSULAR CONVENTION. THERE HAVE BEEN NO INSTANCES WHERE CONSULAR ACCESS HAS BEEN DENIED OR DELIBERATELY IMPEDED.

IF BAIL IS NOT GRANTED, THE LENGTHN OF PRETRIAL CONFINEMENT VARIES DEPENDING ON THE NATURE OF THE OFFENSE AND THE AMOUNT OF TIME REQUIRED TO INVESTIGATE THE CASE. IN NARCOTICS OFFENSES, THE PRETRIAL DETENTION PERIOD DOES NOT NORMALLY EXCEED TWO WEEKS. THE AVERAGE LENGTH OF THE TRIAL FOR NARCOTICS OFFENSES IS ONE TO THREE DAYS. THE REVIEW/CONFIRMATION PROCEEDINGS COULD TAKE UP TO SIX MONTHS, AND THE APPELLATE PROCESS NORMALLY TAKES BETWEEN ONE AND TWO DAYS. IF THE ARRESTEE IS UNABLE TO AFFORD LEGAL COUNSEL, FREE LEGAL AID IS AVAILABLE.

PENALTIES FOR NARCOTICS OFFENSES ARE LENIENT IN SRI LANKA. FINES ARE IMPOSED, BUT PRISON SENTENCES ARE NOT NORMALLY GIVEN. IF THEY ARE, THE SENTENCES ARE SHORT, AND PAROLE WOULD NOT NORMALLY BE

GRANTED. POSSESSORS OF SMALL AMOUNTS OF NARCOTICS ARE USUALLY FINED BETWEEN RS. 100 (US DOLS 6.45) AND RS. 1000 (US DOLS 64.50).

FOREIGN NATIONALS WHO ARE CONVICTED OF A NARCOTICS OFFENSE MAY HAVE THEIR VISAS CANCELLED AND BE ASKED TO LEAVE SRI LANKA.

THE EMBASSY FORWARDED A COPY OF D.C. JAYASURIYA'S BOOK, NARCOTICS AND DRUGS IN SRI LANKA, TO THE DEPARTMENT ATTENTION S/NA, UNDER COVER OF COLOMBO A-59 DATED 6/13/78. THIS STUDY OF THE SOCIO-LEGAL ASPECTS OF NARCOTICS IN SRI LANKA PROVIDES ADDITIONAL INFORMATION NOT COVERED IN THE REFERENCED TELEGRAM WHICH MAY BE OF INTEREST TO THE DEPARTMENT.

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